

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

United States of America
v.

Fidel Castillo
(year of birth 1972)

Case No. **23mj1566**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 11, 2023 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

18 U.S.C. § 751(a)

Offense Description

Escape

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

M. Strange
Complainant's signature

Mark Strange, Deputy U.S. Marshal
Printed name and title

Telephonically sworn and electronically signed.

Date: 10/25/2023

Kirtan Khalsa
Judge's signature

City and state: Albuquerque, New Mexico

Hon. Kirtan Khalsa U.S. Magistrate Judge
Printed name and title

I, Deputy Mark Strange, being duly sworn, depose and say:

1. I am a Deputy United States Marshal (DUSM) employed by the United States Marshals Service (USMS) assigned to the District of New Mexico, Albuquerque Office. I have been employed as a DUSM since July 2019. I completed an eight-week Basic Deputy U.S. Marshal Training Academy successive to a 12-week Criminal Investigator Training Program in December 2019 at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I also served in the military for ten years prior to becoming a DUSM. As part of my duties with USMS, I conduct investigations associated with state and federal felony warrants and locate fugitives from justice.

2. I make this affidavit in support of a Criminal Complaint charging Fidel Castillo (CASTILLO) with a violation of 18 U.S.C § 751(a) in that he knowingly escaped from the custody of the Federal Bureau of Prisons (BOP) in which he was confined by the direction of a United States District Court Judge. This affidavit is based upon my own knowledge and my review of official BOP records and those of other law enforcement agencies. It is also based on discussions with officers from such agencies.

3. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included every fact known to me concerning the investigation. I have set forth only the facts that I believe necessary to establish probable cause to demonstrate that Fidel CASTILLO violated 18 U.S.C § 751(a).

4. On January 23, 2020, in the United States District Court for the District of New Mexico, CASTILLO pled guilty to three counts of Bank Robbery with a Dangerous Weapon, in violation of 18 U.S.C. §§ 2113(a) and (b); and two counts of Conspiracy, in violation of U.S.C. § 371. The Honorable Kea W. Riggs sentenced CASTILLO to 71 months at BOP to be followed by 5 years of supervised release (Cause No. 1:20-cr-00254-KWR).

5. As part of his federal sentence, CASTILLO was confined at the United States Penitentiary (USP) in Atlanta, Georgia. On August 9, 2023, CASTILLO was released from USP Atlanta and sent to Dimas Charities Diersen Residential Reentry Center (RRC) in Albuquerque, New Mexico for the continued execution of his sentence. On August 9, 2023, CASTILLO signed an Acknowledgement of Custody form related to his RRC stay that stated "I understand that I am in the custody of the Attorney General of the United States. I further understand that leaving the RRC without permission of the Center Director or his/her authorized representative, shall be deemed an escape from the custody of the Attorney General." CASTILLO received notice of the order to reside at the RRC as well, via written documentation that he reviewed and signed. While confined at RRC, CASTILLO was deemed under the custody and control of BOP.

6. On October 11, 2023, CASTILLO left RRC without authorization. Following this, CASTILLO ultimately self-surrendered on October 13, 2023.

WHEREFORE, it is respectfully submitted that probable cause exists to believe that Fidel CASTILLO did commit an offense in violation of 18 U.S.C § 751(a) in that he knowingly escaped from the custody of the BOP, from the Dimas Charities Diersen Residential Reentry

Center, an institution or facility in which he was confined by the direction of the Attorney General following his conviction on the stated underlying federal offense.



Mark Strange
Deputy U.S. Marshal

Sworn telephonically and transmitted
electronically to me this 25th day of October 2023.



HONORABLE KIRTAN KHALSA
United States Magistrate Judge